

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 2 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DINORA HENRIQUEZ-PAIZ,

No. 16-73446

Petitioner,

Agency No. A087-934-847

v.

MEMORANDUM*

MATTHEW G. WHITAKER, Acting
Attorney General,

Respondent.

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted December 18, 2018
San Francisco, California

Before: M. SMITH and NGUYEN, Circuit Judges, and RESTANI,** Judge.

Petitioner Dinora Henriquez-Paiz, a native and citizen of El Salvador, appeals the denial of her application for asylum, withholding of removal, and relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252(a)(1). Because substantial evidence supports the Board of

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The Honorable Jane A. Restani, Judge for the United States Court of International Trade, sitting by designation.

Immigration Appeals' ("BIA") decision, we deny the petition.

Because Henriquez-Paiz conceded at oral argument that she has not demonstrated past persecution, she is not entitled to a presumption of future persecution. 8 C.F.R. § 1208.13(b)(2). Substantial evidence supports the BIA's conclusion that Henriquez-Paiz failed to show that she has a well-founded fear of future persecution on account of her family membership. Despite receiving several threatening notes from MS-13 gang members, Henriquez-Paiz's family was never harmed. As the BIA explained, the fact that her family remained safe "undercuts the reasonableness of [her] fear of future harm."

Because Henriquez-Paiz failed to show that she is entitled to asylum, she cannot meet the higher standard for withholding of removal. *See* 8 C.F.R. § 1208.16(b) (requiring that the risk of future persecution be more likely than not).

Finally, substantial evidence supports the BIA's denial of CAT relief because Henriquez-Paiz failed to show that she would more likely than not be subjected to torture upon her return to El Salvador. She has never been tortured in the past, and her family has remained safe despite receiving similar threats.

PETITION DENIED.